



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT NO. 13
1010 CONCORD AVENUE
CONCORD PROFESSIONAL CENTER
WILMINGTON, DELAWARE 19802

TELEPHONE: (302) 577-2550

PLAINTIFF

Carrington Way
c/o Michael P. Morton Esq.
1203 North Orange Street
Wilmington, De. 19801

v.

CIVIL ACTION: JP13-09-011103

DEFENDANT

Jamie Weddington
3-E Kimberton Drive
Newark, De. 19713

DECISION AFTER TRIAL DE NOVO

Plaintiff Arbor Management, LLC d/b/a Carrington Way (hereinafter "Carrington") brings this action against Defendant Jamie Weddington ("hereinafter Weddington") to recover possession of the rental unit known as 3-E Kimberton Drive in Newark, Delaware. Plaintiff alleges the tenant violated her lease agreement by failing to abide by the rules outlined in the lease agreement, as well as the anti drug addendum.

On June 2, 2009, police officers went to Weddington's apartment to arrest her on an active Justice of the Peace Court capias. While effecting the arrest, one of the officers noticed what appeared to be marijuana on the floor of her apartment. NCC Police Officer Bingnear testified that he found a stem or twig on the floor about two feet inside Weddington's apartment. He believed it to be marijuana and field tested it. The test results on the twig were positive for marijuana. Based on the test results, the officer proceeded to get a search warrant for defendant's residence. However, the search warrant produced negative results. No criminal charges were filed.

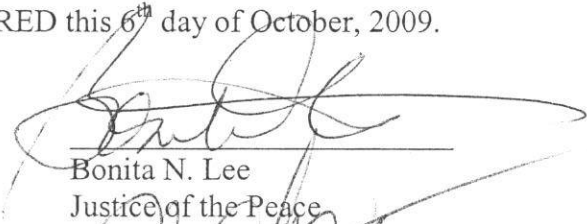
Weddington challenged the results of the drug test. She avers that what was characterized as a marijuana twig/stem was really piece of a stick that she keeps behind the door of her apartment. Defense witness Trina Hoxter testified that she took care of the Weddington's child after she was arrested on the capias. The witness also observed a

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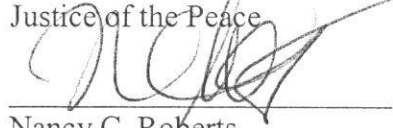
small vial in Officer Bingnear's hand that he alleged contained evidence of marijuana taken from Weddington's apartment. According to the officer the tested evidence could not be preserved due to the horrible smell of the reagent used in testing for THC found marijuana.

After considering the testimony and evidence provided by all parties, the Court, by majority vote (2-1), finds Plaintiff Carrington Way has established by preponderance of evidence that Defendant Jamie Weddington violated the lease agreement and anti drug addendum by having marijuana in her apartment. Consistent with this finding, the Court awarded judgment in favor of the landlord for possession and \$41.50 court costs.

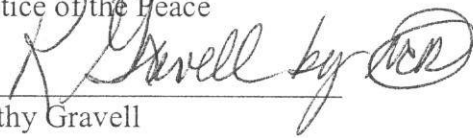
IT IS SO ORDERED this 6th day of October, 2009.



Bonita N. Lee
Justice of the Peace



Nancy C. Roberts
Justice of the Peace



Kathy Gravell
Justice of the Peace